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S E C R E T SECTION 01 OF 02 KABUL 003553

C O R R E C T E C COPY (CLASSIFIED BY STATEMENT)

SIPDIS

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SUBJECT: ABDULLAH: NO LEGAL CHALLENGE TO IEC DECISION,
PRESSURE GROUP INSTEAD

REF: KABUL 3493

KABUL 00003553 001.2 OF 002

Classified By: POLITICAL OFFICER ANNE PFORZHEIMER FOR REASONS
1.4 (b) and (d)

11. (U) Summary: Runner-up in Afghanistan's Presidential election Abdullah Abdullah announced publicly that though he considered the IEC decision declaring Hamid Karzai the winner to be illegal, he would not challenge it in the courts. Instead, he made it clear that he planned to challenge Hamid Karzai's government from outside, as a "pressure group." At this event, he refused to give much detail on how he plans to do this or what, exactly, he plans for his political future. End Summary.

No Contest

12. (C) In his November 4 press conference at his home, Abdullah described as illegal the decision of the Independent Electoral Commission (IEC) to declare the election for Karzai on November 2 but also called the election finished, saying "the process has completed itself with that final, illegal decision." Despite his clear intention to let the IEC decision stand, Abdullah said that the IEC lacked not only legal standing, but also the political legitimacy to make such a determination. He refused to say directly whether or not he viewed Hamid Karzai's government as legitimate, parrying with "I leave it to the people to decide this" but repeatedly said that a government derived from an illegal decision would be unable to deliver on any promises in areas such as rule of law, improved governance and service delivery, security, or anti-corruption measures. In a separate, private meeting the same day, Abdullah told Elections Team Ambassador Tim Carney that he was not concerned about the inauguration and felt it would not be contentious if the date occurred earlier than the mandated 30 days after certification of a winner.

13. (C) Asked more than once by reporters why he would not challenge the IEC decision in courts, Abdullah explained that he had long advocated not only an independent IEC, but also an independent judiciary. He said he did not feel he would get a fair trial from the same Afghan Supreme Court that had allowed Hamid Karzai to remain in power for 8 months longer than the Constitution allowed thus he would not be mounting a legal challenge. However, with his repetition of "I leave it to the people," he seemed hopeful that someone else might. Dr. Abdullah also told Ambassador Carney privately that it was the Supreme Court decision leaving Karzai in power after the Constitutional end of his term in May, and the IC support of that decision, that led to the election situation that we found ourselves in.

14. (U) When asked by reporters about his decision to

withdraw, he refuted vehemently the suggestion that he had done so because of a deal with Karzai. He said the last time they spoke was "a week ago, when we were face to face," referring to their failed power-sharing negotiations on October 28. He repeated statements from his withdrawal speech of November 2, saying there had been two main problems with the first round of elections: the IEC's involvement in fraud, and the use of the state apparatus on behalf of the incumbent's re-election. He said that rather than withdraw, he would have preferred to have reformed the IEC as much as possible in the short time available and to have then had a run-off. Abdullah said repeatedly that despite his withdrawal he was committed to Afghanistan, its people, and the principles of good governance and rule of law that he laid out in his campaign for the Presidency.

Abdullah, Massaging the Internationals

15. (S) Abdullah, who reportedly has lost his most powerful Afghan supporters, Burhanuddin Rabbani and Sattar Murad, to the Karzai camp, was careful not to burn his bridges with the international community in his speech. As he has said many times to us privately, he repeated in his speech that there have been numerous golden opportunities missed over the last eight years. While there is some international fault for the failures of the last eight years, the majority of the fault lies with Afghans. Abdullah warned the international community in both Dari and English that money would be better spent on civil society as this government was corrupt and donor funds would not get to the people.

16. (S) Because of the continued absence of a reliable partner for the international community (IC) in Afghanistan, Abdullah said, the only option available to the IC was to send more soldiers. Abdullah echoed this in his private meeting with Ambassador Carney and has made the same point to Ambassador Eikenberry and to Senator Kerry. At his press conference, Abdullah added that we need not just more troops in Afghanistan, but a clear vision for what they will be doing.

KABUL 00003553 002.2 OF 002

A reporter asked about Abdullah's reaction to the news that five British soldiers had just been killed by an ANP member they had been mentoring. Abdullah expressed his condolences and said that this was another example of how the current government was failing. In his meeting with Ambassador Carney, Abdullah brought this incident up and reiterated the need for a proper counterpart for international forces in Afghanistan.

What Next?

17. (U) Abdullah said that given the current government and the lack of independence in key government bodies, he would fight for democracy and the people of Afghanistan from outside the government. He said he preferred "to act like a pressure group and bring changes." The changes he said was interested in changing both "the system" and "policy." He was careful to distinguish his talk of 'fighting' and 'resistance' from any association with actual violence or civil unrest. In his meeting with Ambassador Carney, Abdullah confirmed that he would set out to be an opposition leader and would work with key parliamentarians. When asked by a reporter whether he was preparing himself for another run for the Presidency, the ever-deft Abdullah demurred that he was "preparing myself for the rest of my life."

Parliament Divided

18. (C) The Lower House of Parliament ended in a dramatic walk-out by MPs due to the contentious election issue the morning of November 4. Although Speaker Yunus Qanooni kept the session in control, remarkably, for almost an hour and a

half, he did so only by keeping the elections issue off of the agenda. Committee heads agreed that the election issue was &too controversial& and &a question for the IEC.&8 Despite this, near the end of the session, MP Sardar Mohammad Rahman Oghly (Uzbek, Faryab) spoke out strongly against &king Karzai,&8 who had &illegally been brought to power.&8

The Lower House erupted into a beating of fists and applause. During a barrage of insults yelled back and forth, over 30 pro-Karzai MPs walked out. MP Shukria Paikan Ahmadi (Kunduz, Uzbek), who did not campaign for either candidate, told us things would calm down after Abdullah made his announcement.

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